#458

BILL NO. Z-91-03-09

ZONING MAP ORDINANCE NO. Z-02-91

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. K-34.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M-1 (Light Industrial) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the Northwest Quarter of Section 22, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Northeast Quarter of Section 22, Township 31 North, Range 12 East, Allen County, Indiana; thence South along the West line of the NE 1/4 of Sec. 22-31-12, a distance of 40.0 feet to a point on the South right of way line of Washington Center Road; thence East with a deflection angle to the left of 90 degr. 08 min. along the South right-of-way line of Washington Center Road and parallel to the North line of the NE 1/4 of Sec. 22-31-12, a distance of 668.39 feet to the true point of beginning; thence South with a deflection angle to the right of 90 degr. 00 min. a distance of 310.0 feet to a point of curvature; thence Southwesterly along a curve to the right having a radius of 330.0 feet and a central angle of 29 degr. 09 min. an arc distance of 167.89 feet; thence Southeasterly radial to said curve, a distance of 60.0 feet; thence Southeasterly with a deflection angle to the left of 14 degr. 20 min. a distance of 377.73 feet to a point on the Northerly right-of-way line of Interstate Highway #69; thence Northeasterly with a deflection angle to the left of 46 degr. 58 min. along said right-of-way line of Interstate Highway #69, a distance of 80.0 feet to a point of curvature at Station 3+75.94 line NWC; thence Northerly on a non-tangent curve to the left having a radius of 232.84 feet, a central angle of 78 degr. 56 min. 52 sec. and a deflection angle left to the chord of 41 degr. 01 min. 34 sec. an arc distance of 320.8 feet along said right-of-way line of Interstate Highway #69 to a point of tangency, said point being 40.0 feet Westerly of Station 0+00 line NWC, Interstate Highway #69, and also being 89.0 feet Westerly of Station 115+25.69 on the centerline of State Road #3 (Project 69-4(3)109); thence Northwesterly with a deflection angle to the left of 39 degr. 28 min. 26 sec. from the chord of aforesaid curve, along the Westerly right-of-way line of State Road #3, a distance of 127.6 feet to Plan Station 116+51.6, said point being 80.0 feet radially distant Southwestward from said centerline of State Road #3; thence Northwesterly with a deflection

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angle to the left of 00 degr. 33 min. along said right-of-way line of State Road #3, a distance of 146.7 feet to a point, said point being 75.0 feet radially distant Southwestward from the centerline of State Road #3; thence Norhtwesterly with a deflection angle to the left of 34 degr. 50 min. along said right-of-way line, a distance of 36.0 feet to a point on the South right-of-way line of Washington Center Road; thence West with a deflection angle to the left of 32 degr. 08 min. along the South right-of-way line of Washington Center Road, a distance of 393.21 feet to the point of beginning, containing 6.39 acres.

and the symbols of the City of Fort Wayne Zoning Map No. K-34, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Thomas C. Henry
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. T. D McCaul
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Henry, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Legislative (and the City Plan Commission for recommendation) and Public Hearing to be held afte due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATED: 3-12-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Bradbury, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	8			1
BRADBURY	✓			
BURNS	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG	✓			
REDD				✓
SCHMIDT	✓			
TALARICO	✓			

DATED: 4-9-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ (SPECIAL) (ZONING MAP) ORDINANCE ~~RESOLUTION~~ NO. 2-02-91 on the 9th day of April, 19 91

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of April, 19 91, at the hour of 1:30 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of April, 19 91, at the hour of 10:00 o'clock P M.,E.S.T.

P. J. Helmke
PAUL HELMKE, MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We _____
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an IA District to a/an M-1 District the property described as follows:

SEE ATTACHED (CRACKER BARREL IA)

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

1609 - 1619 W. Washington Center Road.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordina being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whi it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the mat for hearing before the City Plan Commission. (FILING FEE $100.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)

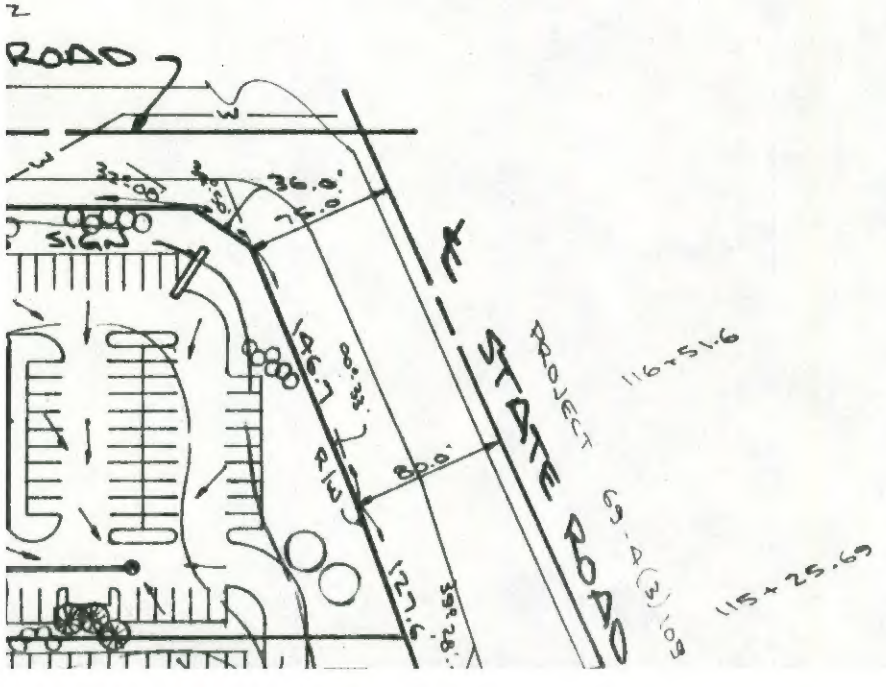
COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Heari approximately ten (10) days prior to the meeting.

LEGAL DESCRIPTION:

Part of the Northwest Quarter of Section 22, Township 31 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest Corner of the Northeast Quarter of Section 22, Township 31 North, Range 12 East, Allen County, Indiana; thence South along the West line of the NE. 1/4 of Sec. 22-31-12, a distance of 40.0 feet to a point on the South right of way line of Washington Center Road; thence East with a deflection angle to the left of 90 degr. 08 min. along the South right of way line of Washington Center Road and parallel to the North line of the NE. 1/4 of Sec. 22-31-12, a distance of 668.39 to the true point of beginning; thence South with a deflection angle to the right of 90 degr. 00 min, a distance of 310.0 feet to a point of curvature; thence Southwesterly along a curve to the right having a radius of 330.0 feet and a central angle of 29 degr. 09 min. an arc distance of 167.89 feet; thence Southeasterly radial to said curve, a distance of 60.0 feet; thence Southeasterly with a deflection angle to the left of 14 degr. 20 min a distance of 377.73 feet to a point on the Northerly right of way line of Interstate Highway #69; thence Northeasterly with a deflection angle to the left of 46 degr. 58 min. along said right of way line of Interstate Highway #69, a distance of 80.0 feet to a point of curvature at Station 3+75.94 line NWC; thence Northerly on a non-tangent curve to the left having a radius of 232.84 feet, a central angle of 78 degr. 56 min. 52 sec. and a deflection angle left to the chord of 41 degr. 01 min. 34 sec. an arc distance of 320.8 feet along said right of way line of Interstate Highway #69 to a point of tangency, said point being 40.0 feet Westerly of Station 0+00 line NWC, Interstate Highway #69, and also being 89.0 feet Westerly of Station 115+25.69 on the centerline of State Road #3 (Project 69-4(3)109); thence Northwesterly with a deflection angle to the left of 39 degr. 28 min. 26 sec. from the chord of aforesaid curve, along the Westerly right of way line of State Road #3, a distance of 127.6 feet to Plan Station 116+51.6, said point being 80.0 feet radially distant Southwestward from said centerline of State Road #3; thence Northwesterly with a deflection angle to the left of 00 degr. 33 min. along said right of way line of State Road #3, a distance of 146.7 feet to a point, said point being 75.0 feet radially distant Southwestward from the centerline of State Road #3; thence Northwesterly with a deflection angle to the left of 34 degr. 50 min. along said right of way line, a distance of 36.0 feet to a point on the South right of way line of Washington Center Road; thence West with a deflection angle to the left of 32 degr. 08 min. along the South right of way line of Washington Center Road, a distance of 393.21 feet to the point of beginning, containing 6.39 acres.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 12, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-03-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 18, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held March 25, 1991.

Certified and signed this
27th day of March 1991.

Robert Hutner
Secretary

#458 ORIGINAL ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 1609 & 1619 W Washington Ctr Road

2-91-03-09.

EFFECT OF PASSAGE Property is presently zoned IA Symbol - Interchange Access District. Property will become M-1 - Light Industrial District.

EFFECT OF NON-PASSAGE Property will remain an IA Symbol- Interchange Access District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

FACT SHEET

Z-91-03-09
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Map Amendment
From IA to M-1

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
1609 & 1619 W Washington Ctr Road

Reason for Project
Elimination of the IA Districts.

Discussion (Including relationship to other Council actions)
18 March 1991 - Public Hearing

Wayne O'Brien, Planner II with Community & Economic Development stated that the staff is proposing to eliminate the IA text. He stated that this is one of five areas in the city that was developed under the provisions of the IA District. He stated that the parcel consists of 6.39 acres and currently is fully developed and houses the Carlton Lodge and the Cracker Barrell Restaurant. He stated that this property was originally zoned M-1 and the staff is proposing a rezoning from the IA Symbol back to the M-1 District. He stated that the developed uses would be compatible with that classification. He stated that the city would not be creating any non-conforming uses.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) City Plan Commission City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☒ For ☐ Against Reason Against
Board or Commission Recommendation	By ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

25 March 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date February 11, 1991

Projected Completion or Occupancy Date March 27, 1991

Fact Sheet Prepared by Date March 27, 1991

Patricia Biancaniello

Reviewed by Date 3-28-91

L. Mag/033

Reference or Case Number

BILL NO. Z-91-03-09

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) XX~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. K-34

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

DO PASS	DO NOT PASS	ABSTAIN	NO REC

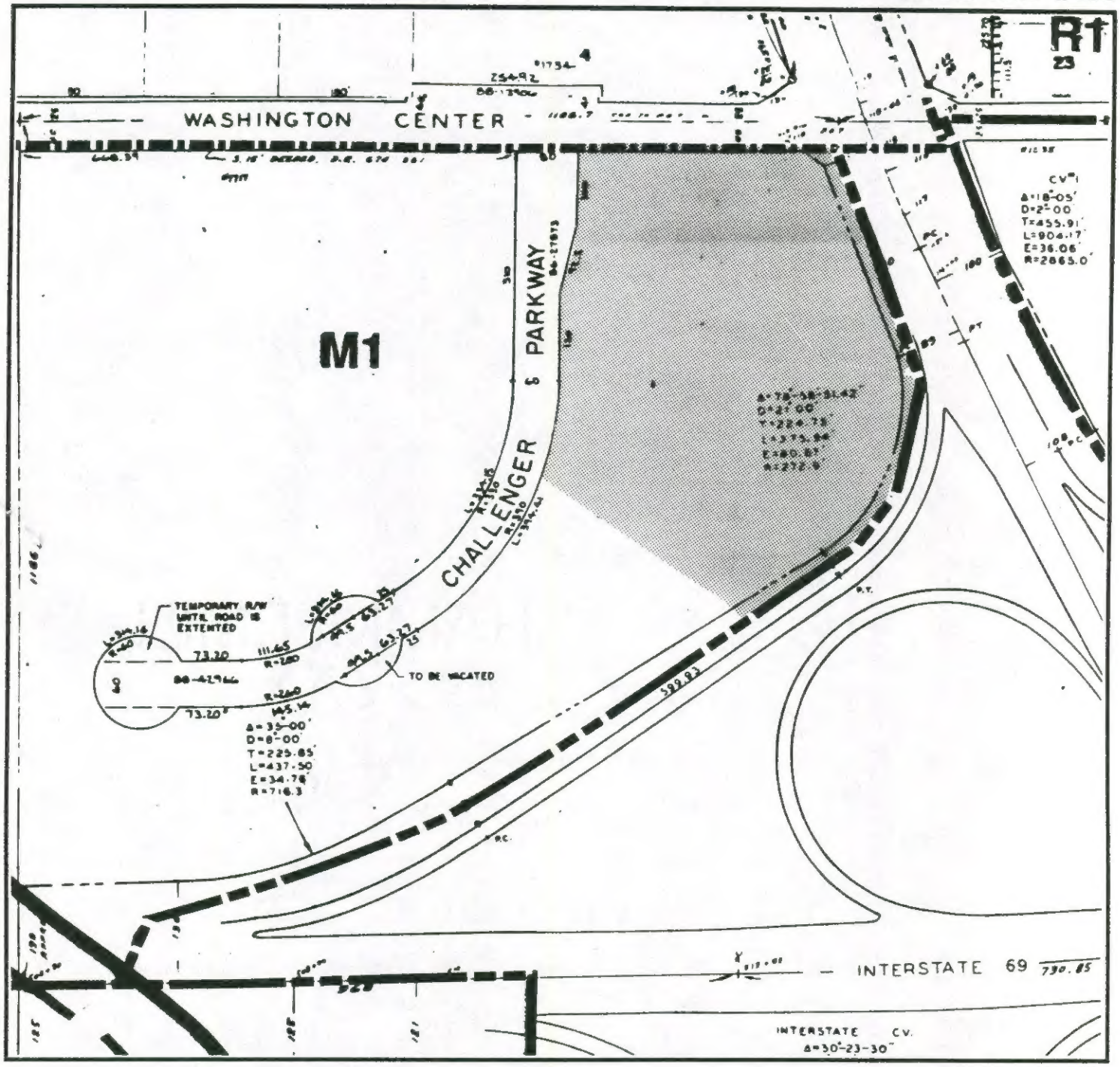
DATED: 4-9-91.

Sandra E. Kennedy
City Clerk

REZONING PETITION

AREA MAP

CASE NO. #458



COUNCILMANIC DISTRICT NO. 3

Map No.: K-34
LW 2-22-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**IA**	Interchange Access
PUD	Planned Unit Dev.	**POD**	Professional Office District	**MHP**	Mobile Home Park